

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TWENTY-EIGHT THOUSAND TWO  
HUNDRED AND SEVENTY  
DOLLARS (\$28,270) IN UNITED  
STATES CURRENCY, AND ONE  
HUNDRED THIRTY THOUSAND  
DOLLARS (\$130,000) IN UNITED  
STATES CURRENCY,

Defendants.

No. 22-CV-115 CJW-MAR

**ORDER**

---

This matter is before the Court on plaintiff's Motion for Default Judgment as to Terry Howard, Nichole Messerschmitt, Kain Cortez, and the defendant property. (Doc. 15). For the following reasons, the Court grants plaintiff's motion and enters default judgment in favor of the United States of America, against Terry Howard, Nichole Messerschmitt, Kain Cortez, and the defendant property: Twenty-Eight Thousand Two Hundred and Seventy Dollars (\$28,270) in United States Currency, and One Hundred Thirty Thousand Dollars (\$130,000) in United States Currency. FED. R. CIV. P. 55, 58.

1. A Verified Complaint for Forfeiture *in Rem* was filed on September 26, 2022. The United States seeks forfeiture of the defendant property pursuant to Title 21, United States Code, Section 881. (Doc. 1).

2. On October 7, 2022, and continuing through November 5, 2022, notice of this forfeiture action was advertised on [www.forfeiture.gov](http://www.forfeiture.gov), the official federal government website for forfeiture. (Doc. 5).

3. On October 6, 2022, a Notice of Complaint for Forfeiture and a copy of the Complaint for Forfeiture *in Rem*, were sent by certified mail, return receipt to Nichole Messerschmitt. The paperwork was signed for on October 20, 2022. (Doc. 3).

4. Nichole Messerschmitt has failed to timely claim, answer or otherwise defend this action after notice was provided pursuant to Rule G of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure.

5. Plaintiff's Motion for Default Entry against Nichole Messerschmitt was granted, and the Default Entry was entered by the Clerk of Court on January 10, 2023, against Nichole Messerschmitt. (Doc. 13).

6. On October 6, 2022, a Notice of Complaint for Forfeiture and a copy of the Complaint for Forfeiture *in Rem*, were sent by certified mail, return receipt to Terry Howard. The paperwork was delivered on October 17, 2022. (Doc. 6).

7. Terry Howard has failed to timely claim, answer or otherwise defend this action after notice was provided pursuant to Rule G of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure.

8. Plaintiff's Motion for Default Entry against Terry Howard was granted, and the Default Entry was entered by the Clerk of Court on January 10, 2023, against Terry Howard. (Doc. 12).

9. On October 6, 2022, a Notice of Complaint for Forfeiture and a copy of the Complaint for Forfeiture *in Rem*, were sent by certified mail, return receipt to Kain Cortez, c/o Chad Frese, Kaplan & Frese LLP. The paperwork was signed for on October 11, 2022. (Doc. 4).

10. Kain Cortez has failed to timely claim, answer or otherwise defend this action after notice was provided pursuant to Rule G of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure.

11. Plaintiff's Motion for Default Entry against Kain Cortez was granted, and the Default Entry was entered by the Clerk of Court on January 10, 2023, against Kain Cortez. (Doc. 14).

12. Plaintiff's Motion for Default Entry against Defendant Property was granted, and Default Entry was entered by the Clerk of Court on January 10, 2023, against defendant property: Twenty-Eight Thousand Two Hundred and Seventy Dollars (\$28,270) in United States Currency, and One Hundred Thirty Thousand Dollars (\$130,000) in United States Currency. (Doc. 11).

**IT IS HEREBY ORDERED:**

1. Plaintiff's Motion for Default Judgment (Doc. 15) is hereby granted in this forfeiture action against Terry Howard, Nichole Messerschmitt, Kain Cortez, and the defendant property: Twenty-Eight Thousand Two Hundred and Seventy Dollars (\$28,270) in United States Currency, and One Hundred Thirty Thousand Dollars (\$130,000) in United States Currency.

2. Any right, title or interest held by Terry Howard, Nichole Messerschmitt, Kain Cortez or any others in the defendant property is hereby forever barred and foreclosed.

3. Having adjudicated all interests through notice and publication, the defendant property: Twenty-Eight Thousand Two Hundred and Seventy Dollars (\$28,270) in United States Currency, and One Hundred Thirty Thousand Dollars (\$130,000) in United States Currency, is forfeited to the United States and all right, title

and interest vests in the United States and no one shall have an interest in the defendant property: Twenty-Eight Thousand Two Hundred and Seventy Dollars (\$28,270) in United States Currency, and One Hundred Thirty Thousand Dollars (\$130,000) in United States Currency.

4. The Federal Bureau of Investigation may dispose of the defendant property: Twenty-Eight Thousand Two Hundred and Seventy Dollars (\$28,270) in United States Currency, and One Hundred Thirty Thousand Dollars (\$130,000) in United States Currency, in accordance with the law and procedures governing such disposition.

**IT IS SO ORDERED** this 12th day of April, 2023.



---

C.J. Williams  
United States District Judge  
Northern District of Iowa